



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306699
Applicant Name: David Brown for D.E.C. Inc.
Address of Proposal: 11332 Lake City Way NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for future construction of 22 parking spaces accessory to an existing performing arts theatre (Rick's).

The following approvals are required:

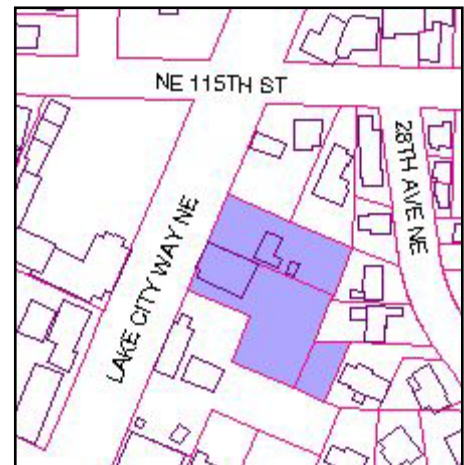
Administrative Conditional Use – To allow non-residential parking in a Lowrise Multifamily Residential-Commercial (L2/RC) zone, pursuant to Seattle Municipal Code (SMC) 23.47.006.C.

SEPA - Environmental Determination, pursuant to SMC 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND

The existing performing arts theatre (Rick's) is a one story, approximately 16,000 sq. ft. structure located on a 41,702 sq. ft. parcel on the eastern mid-block frontage of Lake City Way NE between NE 115th St. and NE 113th St. The western portion of the site, where the structure is located is zoned Commercial with a forty (40) foot height limit (C2-40'), surface parking is located to the northeast, east and southeast. Zoning for the eastern and southeastern surface parking is Lowrise Multifamily/Residential Commercial (L2/RC). The applicant proposes to removing the existing landscaping and fencing for the northeast portion of the site and expanding the existing surface parking area from sixty-two (62) spaces to eighty-four (84) spaces, by adding twenty-two (22) spaces.



Commercial uses along Lake City Way NE - north of NE 110th St. to NE 115th St. - are characterized by auto-oriented businesses such as; a car wash/gas station, vehicle sales, vehicle repair, automotive parts, restaurants, retail sales and services, and administrative/customer service offices.

Public Comments

Public notice of the Master Use Permit application was published on November 6, 2003 and mailed to neighboring properties within 300 feet of the project site. The extended public comment period ended on December 4, 2003. Three written comments were received during the comment period - one requesting an extension of the comment period. The other two letters opposed the proposal because of its environmental health impacts (discarded condoms/hypodermic syringes and alcohol containers); the reduction in the supply of land for housing; a lack of transition between commercial and residential land uses; noise generated that adversely impacts the use, value and enjoyment of the adjacent residential properties for sleep and repose; inadequate screening/landscaping of the surface parking area; inadequate drainage control/water treatment of the surface parking areas; increased volumes and rates of storm water runoff - which potentially causes water quality degradation to Kramer and Thornton Creeks.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.46.006C provides that parking at grade accessory to nonresidential uses in an adjacent commercial zone may be permitted as an Administrative Conditional Use when it meets the following criteria, as applicable.

1. *The Director may authorize such parking if:*
 - a. *The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a shared parking facility¹;*

The proposed parking is necessary to meet parking requirements identified by a technical study prepared by Craig Grandstrom with CH2M Hill; November 19, 2001; located in the Master Use Permit file 2306699.

The proposed 84 parking spaces will not be used as a shared parking facility.

- b. *The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial areas; and*
 - c. *The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential area;*

Based on the “*Parking Supply and Demand Technical Study*,” by Craig Grandstrom with CH2M Hill, November 19, 2001 (located in the Master Use Permit file 2306699) the proposed parking is necessary to avoid increased parking congestion in the adjacent commercial areas and reduce spillover parking in adjacent commercial and residential areas.

During the peak period of demand on Fridays and Saturdays from 10:00 PM to 11:00 PM approximately 36 parking spaces are required for the spectators of the performing arts theater and approximately 30 to 40 parking spaces are in demand for the employees and performers, thus creating an on-site parking demand for 66 to 76 vehicles.

¹ The minimum number of off-street parking spaces required for Performing Arts Theater’s is—1 space for each 8 fixed seats or 1 space for each 100 square feet of spectator assembly area not containing fixed seats—set forth in Chart A of SMC 23.54.015. Where, in the judgment of the Director, uses on Chart A are not comparable, the Director may base their parking determination on information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand. (Refer to SMC 23.54.015B).

Based on the plans submitted, currently there are 62 parking spaces being provided, thereby potentially creating a spillover of 4 to 14 vehicles into the commercial and residential areas.

- d. Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone; and*

Based on the information provided by the applicant, other parking options such as shared parking were considered and found to be unavailable in the adjacent commercial zone. (See Administrative Conditional Use correspondence from David Brown Associates, September 10, 2003 within the MUP file 2306699).

Inquiries by the owners resulted in only one neighboring property directly to the south willing to consider a verbal shared parking arrangement, without a written parking convenient agreement this would not satisfy the parking demand for the use.

- e. The proposed parking does not encourage substantial traffic to pass through adjacent residential areas.*

Given the site's mid-block location and the ingress/egress vehicle access points from Lake City Way NE for the surface parking areas, it is unlikely that any traffic generated would pass through the adjacent residential areas northeast or east of the site.

2. *If the Director authorizes a surface parking area, the following standards shall be met:*
a. A minimum of fifteen (15) percent of the surface parking area shall be landscaped. Specific landscaping areas required in the subsection shall count towards the fifteen (15) percent.

Based on the reviewed MUP Plans, the proposed northeast parking area is approx. 8,220 square feet in size, thus requiring 1,233 square feet of landscaping; with 1,460 square feet of landscaping to be provided.

- b. A landscaped setback of a least ten (10) feet shall be provided along the front property line. A landscape setback of at least five (5) feet in depth shall be provided along all other street property lines.*

This criterion does not apply to the proposal. The parking located at the front property line along Lake City Way NE is not abutting a residential zone (the zoning is Commercial 1) and does not require a landscaping setback.

- c. When abutting a property in a residential zone (including RC zones), six (6) foot high screening and a five (5) foot deep landscaped area inside the screening shall be provided.*

Based on the reviewed MUP Plans, the portion of the site abutting a residential zone (northeast and east) will provide a six (6) foot high screening and a five (5) foot deep landscaped area inside the screening.

- d. When across the street from a residential zone (including RC zones), three (3) foot high screening shall be provided between the parking area and the landscaped setback along all street property lines.*

This criterion does not apply to the proposal.

- e. Whenever possible, access to parking shall be from the commercial area.*

Based on the reviewed MUP Plans, access to parking will be provided from Lake City Way NE, which is a commercial area.

SUMMARY

Application of the conditional use criteria to the subject proposal leads to the conclusion that the accessory surface parking spaces should be conditionally permitted.

ADMINISTRATIVE CONDITIONAL USE DECISION

The proposal for future construction of surface parking spaces in a L2/RC zone is **CONDITIONALLY GRANTED** as noted below.

SEPA ANALYSIS

According to Director's Rule 23-2000, Seattle's Environmental Policy Act (SEPA) requires analysis for the creation of more than twenty (20) parking spaces. Initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated September 16, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Critical Areas Ordinance (grading, soil erosion and stability); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. However, more detailed discussion of some of these impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope. However, additional land use impacts which may result in the long-term use of the surface parking area are discussed below.

Environmental Health

The environmental health policy in Section 25.05.675F of the Seattle SEPA Ordinance states that the use, discharge, disposal, emission or application of toxic or hazardous materials may pose hazards to human health and to plants, animals and ecological systems. Hazardous materials include such things as pesticides, herbicides, and electromagnetic transmissions.

It is the City's policy to minimize or prevent adverse impacts resulting from toxic or hazardous materials and transmissions.

For all proposed projects involving the use, treatment, transport, storage, disposal, emission, or application of toxic or hazardous chemicals, materials, wastes or transmissions, the decisionmaker shall, in consultation with appropriate agencies with expertise, assess the extent of potential adverse impacts and the need for mitigation.

The potential adverse impacts of discarded condoms, hypodermic syringes and litter associated with the proposed use of the surface parking area shall be mitigated pursuant to Section 25.05.675F.2.c.i. and as conditioned below.

Light and Glare

Development projects sometimes include lighting and/or reflective surface materials which can adversely affect motorists, pedestrians, and the surrounding area. Such adverse impacts may be mitigated by alternative lighting techniques and surface materials.

The City's Land Use Code specifically addresses the issue of light and glare control associated with commercial and industrial projects.

It is the City's policy to minimize or prevent hazards and other adverse impacts created by light and glare. If a proposed project may create adverse impacts due to light and glare, the decisionmaker shall assess the impacts and the need for mitigation.

Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny a project to mitigate its adverse impacts due to light and glare. To address the light and glare impacts of the surface parking lighting, the proposal shall be mitigated pursuant to SMC 23.05.675K.2.d.ii. and iii. and as conditioned below.

Noise

Noise may be injurious to the public health, safety and welfare. It may have adverse impacts on commerce; the use, value and enjoyment of property; sleep and repose; and the physiological and psychological well-being of those who live and work in Seattle.

The Noise Control Ordinance effectively addresses most noise impacts. However, some noise impacts are not addressed by the Noise Control Ordinance, such as the continual or repetitive noises of a project's operation.

It is the City's policy to minimize or prevent adverse noise impacts resulting from new development or uses.

Subject to the Overview Policy set forth in SMC 25.05.665, the decisionmaker may condition or deny a project to mitigate its adverse noise impacts. To address the noise impacts from the surface parking area, the proposal shall be mitigated pursuant to SMC 23.05.675L.2.e.iv. and as conditioned below.

SUMMARY

In conclusion, no significant adverse effects on the environment are anticipated as a result of the proposal that have not been considered above. Conditions are imposed as mitigation to specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

SEPA DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

1. The northern and eastern property lines for the surface parking area abutting the residentially zoned properties shall provide:
 - A six (6) foot high solid CMU screening wall with a 2 foot high arbor or other feature which is considered predominately open;
 - An appropriate vine-like plant material shall be used along the lateral extent of the wall so it becomes aesthetically pleasing and provides a sense of privacy; and
 - Additionally a five (5) foot deep landscaped area shall be provided adjacent to the fence and within the proposed parking area.

SEPA CONDITIONS

Prior to the issuance of the Construction Permit and For the Life of the Permit

2. The applicant must provide the Director with an acceptable management plan for the surface parking area and adjacent landscaping area to address loitering, noise, litter and discarded toxic/hazardous materials (condoms/hypodermic syringes).
3. All surface parking lighting shall employ full cutoff luminaries and have low reflective ground covers beneath them². Prior to issuance of the construction permit, the applicant must provide the Director with an acceptable lighting plan.

Signature: (signature on file) Date: March 1, 2004
Colin R. Vasquez, Land Use Planner
Department of Planning and Development

CRV:rgc
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² A cutoff luminaire is one that provided shielding of emitted light to reduce light pollution effects.